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1	JONATHAN R. BASS (State Bar No. 75779)		
	A. MARISA CHUN (State Bar No. 160351)		
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6	_		
	Attorneys for Plaintiff and Cross-Defendant		
7	FRITZI BENESCH		
8			
	UNITED STATES DISTR		
9			

## RICT COURT

## NORTHERN DISTRICT OF CALIFORNIA SAN FRANCISCO DIVISION

NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO DIVISION		
FRITZI BENESCH,	Case No. C 07 3784 EDL	
Plaintiff, v.	STIPULATION AND [PROPOSED] ORDER STAYING ACTION AS MODIFIED	
SHARON GREEN; and DOES 1 through 10, inclusive,	Complaint Filed: April 24, 2007	
Defendants.	Trial Date: None set	
SHARON GREEN,		
Cross-Complainant,		
V.		
FRITZI BENESCH, and ROES 1 through 25, inclusive,		

Plaintiff and Cross-Complainant Fritzi Benesch ("plaintiff") and Defendant and Cross-

Complainant Sharon Green ("defendant") hereby stipulate as follows:

Cross-Defendants.

Whereas, this is an action for professional negligence arising out of certain alleged acts and omissions purportedly performed in the underlying case of Benesch v. Tandler, San Francisco Superior Court No. CGC-00-317187 (the "underlying action");

12670.003.746154v1 Case No. C 07 3784

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Whereas, the resolution of the underlying action is likely to have a material impact on the claims, issues and potential damages in this action; Whereas, the underlying action is scheduled for trial on September 15, 2008; Whereas, the interests of justice and judicial economy militate in favor of staying this action until the underlying action has been resolved, NOW THEREFORE, IT IS HEREBY STIPULATED that This action shall be stayed until the earlier of: 1. entry of judgment following the trial of the underlying action, assuming that the trial commences on or about September 15, 2008; or

settlement of the underlying action. (b)

2. Plaintiff shall promptly notify defendant and the Court of any settlement of the underlying action.

3. Plaintiff shall promptly notify defendant and the Court of any continuance of the September 15, 2008 trial date in the underlying action, so that the Court may consider a modification of the terms of this stay.

DATED: December 7, 2007 COBLENTZ, PATCH, DUFFY & BASS LLP

> By: //s// JONATHAN R. BASS Attorneys for Plaintiff and Cross-Defendant FRITZI BENESCH

DATED: December 7, 2007 SEDGWICK, DETERT, MORAN & ARNOLD LLP

> By: //s// STEVEN D. WASSERMAN

Attorneys for Defendant and Cross-Complainant

SHARON GREEN A case management conference is

scheduled for October 7, 2008 at 10:00 a.m. The parties shall file a PURSUANT TO STIPULATION, IT IS SO ORDERED joint CMC statement no later than

September 30, 2008.

IS SO ORDERED strate Judge

MAD. LAPORTE

By:

DATED: \_December 10\_\_, 2007

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Case No. C 07 3784